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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,595	04/16/2004	Kazuhisa Ozaki	AW-C414	7792

7590 02/15/2006

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EXAMINER	
PANG, ROGER L	

ART UNIT	PAPER NUMBER
3681	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,595	OZAKI ET AL.	
	Examiner	Art Unit	
	Roger L. Pang	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) *10,11 and 13-29* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4-26-04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The following action is in response to communications filed for application 10/825,595 on January 6, 2006.

Election/Restrictions

Claims 13-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 56, 2006.

Please Note: claims 10-11 have also been withdrawn, as they do not appear to read upon the elected species of Figs. 1-4, but upon Figs. 7a-b.

Applicant argues that the Examiner has not concisely stated why the inventions are distinct. The species were divided into embodiments, as stated in applicants' original disclosure, and each species would require individual consideration, especial the specific movement mechanisms. Applicant's arguments have been considered, but are not persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shober '484 in view of Kusafuka '195. With regard to claim 1, Shober teaches a vehicle running range switching device for switching among a plurality of running ranges of a vehicle

transmission, from one of the running ranges to a running range selected by a vehicle driver, responsive to an electric signal, said vehicle running range switching device comprising: a range selection unit 45 for use by the vehicle driver to generate the electric signal; a motor 55 which outputs rotary motion controlled responsive to the electric signal from the range selection unit; a conversion mechanism (Fig. 3) for converting rotary motion of the motor to linear motion; an intermediate member 125 for converting the linear motion obtained by the conversion mechanism to swinging motion; and a range switching shaft 40, which is switched, with the swinging motion, to a specific selection region corresponding to the running range selected by the driver. Shober is silent with respect to the specific teaching of a range switching member, which is connected to the range switching shaft. Kusafuka teaches a running range switching devices comprising a motor 12, and conversion devices that turns a range switching shaft 7, which in turn moves a range switching member 2, which is movable across a plurality of selection regions corresponding to the plurality of running ranges. It would have been obvious to of ordinary skill in the art at the time of the invention to modify Shober to employ the range switching member in view of Kusafuka in order to provide a means for the range switching shaft to control the automatic transmission. With regard to claim 2, Shober teaches the device, wherein the intermediate member 125 is disposed between the range switching member 40 and the conversion mechanism (Fig. 3), and the range switching member is switched to a specified selection region among the plurality of selection regions through the intermediate member in accordance with the rotary motion of the motor. With regard to claim 3, Shober teaches the device, wherein the intermediate member includes an intermediate arm 125 for conveying the linear motion to the swinging motion. With regard to claim 4, Kusafuka teaches the device,

further comprising: a detent mechanism 5 for holding the range switching member in the specific selection region. With regard to claim 5, Kusafuka teaches the device, wherein the detent mechanism includes a detent lever 5c with an integral arm 5b, and wherein the integral arm member converts the swinging motion with which the detent lever moves to linear motion for positioning said range switching member. With regard to claim 6, Kusafuka teaches the device, wherein the range switching member is a manual valve 2 and wherein the linear motion imparted by the integral arm slides the manual valve to a position corresponding to the specific selection region. With regard to claim 12, Kusafuka teaches the device, wherein the range switching member is joined to the integral arm (Fig. 1).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shober in view of Kusafuka as applied to claim 6 above, and further in view of Thorum '202. With regard to claim 7, Shober teaches the device, further comprising: a case member 101 on which the motor is mounted, a position detecting unit (Col. 7) for detecting the position of the range switching member. Shober teaches the control unit 200 for controlling the motor and/or transmission, but lacks the teaching of said control unit being accommodated by the case member. Thorum teaches a transmission case member 12, wherein the case member accommodates at least one of a first control unit for controlling the motor based on an output from the position detecting unit and a second control unit for controlling the vehicle transmission 16. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shober to employ the transmission control unit in further view of Thorum, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. With regard to claim 8, Shober teaches the device, wherein the position

detecting unit detects the position of the range switching member through the intermediate member (Figs 2,3; and through the conversion unit). With regard to claim 9, Shober teaches the device, wherein the conversion mechanism is a ball screw including a ball screw shaft 80 rotated by the motor; a ball nut 85 driven by the ball screw shaft so as to move axially with respect thereto; and balls (Fig. 3) interposed between the ball screw shaft and the ball nut.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kropp, Wheeler, Hasegawa and Tury have been cited to show similar transmission actuating arrangements.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

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(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roger L Pang
Primary Examiner
Art Unit 3681

February 9, 2006